

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE:

Case No. 06-54573

MIGUEL ANGEL HINOJOSA and  
MARIA ARACELY HINOJOSA,

Chapter 13

Judge Thomas J. Tucker

Debtor.

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**ORDER DENYING MOTION FOR RECONSIDERATION**

This case comes before the Court on Debtors' "Ex-Parte Emergency Motion for Reconsideration of Order of Dismissal of January 5, 2007 and to Reinstate Case," filed on February 14, 2007 (Docket # 32), which this Court construes as a motion for reconsideration, and

The Court having reviewed and considered the motion for reconsideration, and

The Court finds the motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(c).

In addition, the Court notes the following. This is Debtors' *second* motion to reinstate this case. The Court denied the first motion in an order filed January 22, 2007 (Docket #30). In this second motion, Debtors are incorrect to the extent they argue that their attorney had no notice of the requirement that Debtors file a Chapter 7 means test form after converting this case from Chapter 13 to Chapter 7. Debtors' counsel had at least two forms of such notice. First, the notice of electronic filing that was generated as a result of Debtors' counsel's filing the notice of conversion on December 7, 2006 (Docket #17) stated:

Notice of Voluntary Conversion to Chapter 7 Fee Amount \$15. Joint Debtor Maria Aracely Hinojosa, Debtor Miguel Angel Hinojosa. Ch. 7 Statement of Current Monthly Income and Means Test Form 22A Due: 12/22/2006.

This notice, which clearly stated that a Chapter 7 means test form must be filed by December 22, 2006, was served electronically on, among others, Debtors' attorney Robert Stein at steinlawoffice@yahoo.com. *See* Receipt for Docket #17.

Second, Debtor's counsel was informed by a February 14, 2006 administrative order of the Court of the requirement for debtors to file a Chapter 7 means test form within 15 days after conversion when a Chapter 13 case is converted to Chapter 7. *See* Administrative Order No. 06-08 (February 14, 2006)(available on the Court's website). That administrative order also warned that "[i]f the debtor fails to timely file the [Form B22A] statement in the converted case, the case shall be dismissed pursuant to L.B.R. 1007-1(d) E.D.M."

NOW, THEREFORE,

IT IS ORDERED that the motion for reconsideration should be, and hereby is, DENIED.

**Signed on February 15, 2007**

/s/ Thomas J. Tucker

**Thomas J. Tucker**  
**United States Bankruptcy Judge**